

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**DAMION LEWIS and DERRICK LEWIS,  
By and Through Their Conservator, DIONNE LEWIS**

**PLAINTIFFS**

**v.**

**Civil Action No. 3:14cv450-TSL-JCG**

**HINDS COUNTY, MISSISSIPPI and  
JOHN AND JANE DOES 1-100**

**DEFENDANTS**

**AND**

**SHANA BENNETT, Individually and as  
Personal Representative on Behalf of the  
Wrongful Death Beneficiaries of  
MARKUIEZE' CHE'ROD BENNETT**

**PLAINTIFF**

**v.**

**Civil Action No. 3:14cv753-DPJ-JCG**

**HINDS COUNTY, MISSISSIPPI and  
JOHN AND JANE DOES 1-100**

**DEFENDANTS**

**MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL**

COMES NOW, the Defendant, Hinds County, Mississippi, ("Hinds County") by and through its undersigned counsel and pursuant to L.U.Civ.R. 79, and submits this, its Motion for Leave to File Documents Under Seal. In support of this motion, Hinds County would show as follows:

1. Pursuant to Rule 79 of the Local Civil Rules for the United States District Courts for the Northern and Southern Districts of Mississippi, Hinds County respectfully moves to seal the following documents related to its Motion to Exclude and/or Motion in Limine to Exclude Miscellaneous Third-Party Reports Regarding the Hinds County Detention Center:

- a) Hinds County Grand Jury Report of September 13, 2013 regarding the Hinds County Detention Center and three (3) Court Orders of Circuit Court of the First/Second Judicial District of Hinds County, Mississippi (filed September 23, 2013, September 24, 2013, and September 27, 2013);

- (b) Hinds County Corrections Monitoring Team's First Quarterly Report (dated November 1, 2013 through January 31, 2014);
- (c) Hinds County Corrections Monitoring Team's Second Quarterly Report (dated February 1, 2014 through April 30, 2014);
- (d) Hinds County Corrections Monitoring Team's Third Quarterly Report (dated May 1, 2014 through July 31, 2014);
- (e) Hinds County Corrections Monitoring Team's Fourth Quarterly Report (dated August 1, 2014 through October 31, 2014);
- (f) Hinds County Detention Center Jail Assessment Report (prepared by James Austin, Ph.D., Robert Harris, and Kenneth McBride)(dated September 10, 2013);
- (g) FINAL Technical Assistance Report: Jail Staffing Analysis – Hinds County Sheriff's Department (prepared by the National Institute of Corrections (NIC), United States Department of Justice, Rod Miller) (dated September 7, 2014); and
- (h) the May 21, 2015 "Findings" letter from the United States Department of Justice, Civil Rights Division, regarding the Investigation of the Hinds County Adult Detention Center.

2. Hinds County requests that the above documents be received and reviewed by the Court *in camera*.

3. Hinds County requests the court exclude the above documents from being used and/or filed as public record in order to avoid waiver of Hinds County's evidentiary position in the above-styled cases, therefore necessitating that the documents be filed under seal.

4. Rule 79 of the Local Civil Rules for the United States District Courts for the Northern and Southern Districts of Mississippi provides that the presumption of public access to pleadings and other materials filed with the Court ("court records") may be overcome by a determination that sealing is supported by clear and compelling reason and is narrowly tailored to serve those reasons. L.U.Civ.R. 79 (b) provides that, "A statute mandating or permitting the

non-disclosure of a class of documents provides sufficient authority to support an order sealing documents.”

5. In accordance with Uniform Local Rule 7(b)(10), undersigned counsel advises that this motion will be shared with opposing counsel for consideration. Should counsel be advised that this motion is unopposed or opposed, such notice will be provided to the Court.

6. By virtue of the simple and self-explanatory nature of the instant motion, Hinds County prays that it be relieved of any obligation to submit any accompanying memorandum.

WHEREFORE, PREMISES CONSIDERED, Hinds County, Mississippi respectfully requests this Court grant its motion to seal the requested documents, (a) – (h) as outlined above, related to its Motion to Exclude and/or Motion in Limine to Exclude Miscellaneous Third-Party Reports Regarding the Hinds County Detention Center.

RESPECTFULLY SUBMITTED, this the 15<sup>th</sup> day of June, 2015.

**HINDS COUNTY, MISSISSIPPI – DEFENDANT**

**BY: /s/ J. Lawson Hester**  
**J. LAWSON HESTER**

**OF COUNSEL:**

J. Lawson Hester (MSB No. 2394)  
[lhester@wyattfirm.com](mailto:lhester@wyattfirm.com)  
Jason E. Dare (MSB No. 100973)  
[jdare@wyattfirm.com](mailto:jdare@wyattfirm.com)  
WYATT, TARRANT & COMBS, LLP  
Post Office Box 16089  
Jackson, Mississippi 39236-6089  
Telephone: (601) 987-5300  
Facsimile: (601) 987-5353

**CERTIFICATE OF SERVICE**

I, J. LAWSON HESTER, hereby certify that on this day, I have filed the foregoing document with the Court, which sent a copy via electronic mail to the following ECF participants:

Charles Richard Mullins, Esq. ([chuckm@coxwelllaw.com](mailto:chuckm@coxwelllaw.com))  
Merrida P. Coxwell , Jr., Esq. ([merridac@coxwelllaw.com](mailto:merridac@coxwelllaw.com))  
COXWELL & ASSOCIATES, PLLC  
P. O. Box 1337  
500 North State Street (39201)  
Jackson, MS 39215-1337

Gerald A. Mumford, Esq. ([gmumfordlaw@gmail.com](mailto:gmumfordlaw@gmail.com))  
THE MUMFORD LAW FIRM, PLLC  
P. O. Box 683  
Jackson, MS 39205

This the 15<sup>th</sup> day of June, 2015.

/s/ J. Lawson Hester  
J. LAWSON HESTER